IN THE CLAIMS

The following listing of claims replaces all prior listings:

1. (Currently Amended) An image discriminating method comprising the steps of:

processing an inputted image to detect faces of one or more persons in the inputted image;

detecting at least one face of a person in the inputted image;

determining that the inputted image is a landscape photo image when no face is detected in the inputted image;

calculating an area of each detected face in the inputted image;

counting the number of faces detected in the inputted image

determining that the inputted image is a snapshot photo image when (a) a ratio of the total area of all of the faces to the total area the inputted image is ~~not more~~less than a predetermined value, or (b) the ratio of the total area all of the faces to the total area of the inputted image images is less than or equal to the predetermined value and the number of faces is greater than or equal to a predetermined number; and

determining that the inputted image is a portrait image when (a) the ratio of the total area of all of the faces to the total area the inputted image is more than the predetermined value, and (b) the ratio of the total area all of the faces to the total area of the inputted image images is more than the predetermined value and the number of faces is less than the predetermined number ~~the ratio of the total area of the faces to the total area of the inputted image is less than or equal to the predetermined value and the number of faces is less than the predetermined number~~.

2. (Previously Presented) An image discriminating method according to claim 1, wherein said predetermined value is 20% and said predetermined number of faces is three.

3. (Currently Amended) An image processing apparatus comprising:

a processing unit that processes an inputted image to detect faces of one or more persons in the inputted image;

a detecting unit that detects at least one face of a person in the inputted image;

a calculating unit that calculates an area of each detected face in the inputted image;

a counting unit that counts the number of faces detected in the inputted image

an image determining unit that determines

(a) the inputted image is a landscape photo image when no face is detected in the inputted image,

(b)the inputted image is a snapshot image when (i) a ratio of the total area of all of the faces to the total area the inputted image is ~~not more~~less than a predetermined value, or (ii) the ratio of the total area of all of the faces to the total area of the inputted image images is less than or equal to the predetermined value and the number of faces is greater than or equal to a predetermined number, and

(c) the inputted image is a portrait image when (i) the ratio of the total area of all of the faces to the total area the inputted image more than a predetermined value, and (ii) the ratio of the total area of all of the faces to the total area of the inputted image images is more than the predetermined value and the number of faces is less than or equal to a predetermined number~~the ratio of the total area of the faces to the total area of the inputted image is less than or equal to the predetermined value and the number of faces is less than the predetermined number~~;

a gradation correcting unit that corrects gradation of said image data based on the results of image determining unit ;and

a chroma correcting unit that corrects chroma based on the results of image determining unit .

4. (Previously Presented) An image processing apparatus according to claim 3, wherein said predetermined value is 20% and said predetermined number of faces is three.